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REMARKS

Reconsideration of this application and withdrawal of the rejections set forth in the Office action mailed July 29, 2005 are requested in view of this amendment and the following remarks. Claims 1, 3, 5, 6, 15, and 17 have been amended. The amended claims are fully supported by the original specification at least at paragraph 38, Fig. 1; paragraph 40, Fig. 2; paragraph 60, Fig. 13, and no new matter has been added.

Office Action, Paragraph 2

Claim 1 was rejected for obviousness-type double patenting as being unpatentable over claim 2 of U.S. Patent No. 6,760,538 in view of U.S. Patent No. 6,141,488 to Knudson et al. ("Knudson"). A terminal disclaimer accompanies this amendment, and Applicant respectfully submits that the terminal disclaimer overcomes this rejection.

Office Action, Paragraph 3

Claims 1, 3, 5, 6, 15, and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of U.S. Patent No. 6,208,799 to Marsh et al. ("Marsh"). For the reasons set forth below, claims 1, 3, 5, 6, 15, and 17 are patentable over Knudson in view of Marsh.

To begin with, there is no motivation to combine Knudson and Marsh. The Office action cites Fig. 3 in Knudson, which presents a conflict when a show is about to begin, and the user is to make a decision on that particular conflict at that particular time, i.e. at the commencement of the show about to be recorded. The reference cited in Marsh (Col. 10, lines 1-34), on the other hand, presents a completely different type of conflict and resolution process. In Marsh, a set-top device receives new Interactive-Program-Guide ("IPG") data. Marsh then teaches that the new IPG data may be discovered to be

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different from the IPG data stored in an active VCR-record-timer. The discovery of this new data then either causes a VCR time-slot to be reprogrammed with the new data, or generates a user-alert message if the new data conflicts with another VCR-record-timer time-slot. Knudson, however, teaches nothing about a set-top device receiving new IPG data and comparing it with current IPG data. In addition, Knudson does not teach a method for determining if there is a conflict based on new IPG data, and Knudson only shows that a conflict is presented when a user is viewing a channel that is different from a show that is about to be recorded, i.e. a present-time conflict. Marsh teaches that a conflict may be presented any time new IPG data is received, and such a conflict is not limited to when a user is watching a show that is different from a show about to be recorded.

Even if there was motivation to combine Knudson and Marsh, which Applicant submits there is not, claims 1, 3, 5, 6, 15, and 17 are patentable over Knudson in view of Marsh. Claims 1, 3, 5, 6, 15, and 17 have been amended to include receiving (or means for receiving) multiple broadcast signals from corresponding multiple channels, and determining (or means for generating) one or more solutions to a conflict at least partly by considering (or at least partly comprising means for considering) the multiple broadcast signals. Neither Knudson nor Marsh teaches receiving (or means for receiving) multiple broadcast signals from corresponding multiple channels. Additionally, Knudson and Marsh do not teach determining (or means for generating) one or more solutions to a conflict by at least partly considering (or at least partly comprising means for considering) multiple broadcast signals. Therefore, the present invention is not obvious over Knudson in view of Marsh.

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Regarding claims 1, 3, 15, and 17, the Office action sets forth that according to Marsh, timeslots are allowed to record “based on priorities that the user sets within the system.” However, the Office action does not point out any teaching by Marsh in which a timeslot includes a user or automatically extended lead timeslot or a user or automatically extended trail timeslot having a first priority as recited in claims 1, 3, and 17. In addition, the Office action does not point out any teaching of Marsh in which a user or automatically extended lead timeslot or a user or automatically extended trail timeslot having a first priority can be chosen to resolve a conflict automatically, as recited in claims 1, 3, and 17. Furthermore, the Office action does not point out any teaching of Marsh in which one or more solutions are generated to solve one or more conflicts using a first type for a first timeslot, in which the first type is a user extended trail time slot less than a fixed interval, as recited in claim 15. Therefore, claims 1, 3, 15, and 17 are patentable over the cited references.

Regarding claim 5, claim 5 has been amended to include receiving multiple broadcast signals from corresponding multiple channels and determining one or more solutions to a conflict at least partly by considering the multiple broadcast signals. As discussed above, neither Knudson nor Marsh teaches receiving multiple broadcast signals from corresponding multiple channels, nor do Knudson and Marsh teach determining one or more solutions to a conflict at least partly by considering the multiple broadcast signals.

In addition, for the claim 5 rejection, the Office action relies on Fig. 5 of Knudson, which teaches solving a conflict between programs to be recorded back-to-back by eliminating the trailing buffer of a first program when a second program is about to be

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recorded on a different channel. (Knudson, Fig. 5, Col. 7, Lines 59-63.) However, Knudson does not provide the user with an opportunity to solve such conflict before the trailing buffer is eliminated. Claim 5, on the other hand, provides a user with an opportunity to choose one of one or more solutions to a conflict, instead of eliminating a trailing buffer without user input.

Regarding claim 6, claim 6 has been amended to include receiving multiple broadcast signals from corresponding multiple channels and determining a plurality of solutions to a conflict at least partly by considering the multiple broadcast signals. As discussed above, neither Knudson nor Marsh teaches receiving multiple broadcast signals from corresponding multiple channels, nor do Knudson and Marsh teach determining a plurality of solutions to a conflict at least partly by considering the multiple broadcast signals.

Also, the Office action relies on an inaccurate description of Fig. 7a of Knudson for the claim 6 rejection. The Office action describes portions of Fig. 7a as “obtaining and examining each time slot,” “establishing cumulative priority for each of said solutions based on each timeslot,” and “choosing one or two lowest priority solutions to said conflict based on cumulative priority...” However, the detailed description of Fig. 7a (Col. 7, lines 30-47) does not disclose establishing a priority for more than one time slot. Instead, Fig. 7a simply applies to determining whether a program has been locked, and if so, whether to proceed with recording the locked program by using a parental control PIN. Knudson only involves one program, instead of multiple programs or timeslots, and there are no multiple priorities for multiple timeslots. Claim 6, however, recites determining whether there is a conflict between two or more timeslots, and not

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whether a program is locked as in Knudson. Claim 6 also determines a plurality of solutions to a conflict, a cumulative priority for each of said solutions, and one or two lowest priority solutions based on the cumulative priority, none of which is taught by Knudson.

Office Action, Paragraph 4

Claim 7, which is dependent upon newly amended claim 1, was rejected under 35 U.S.C. § 103(a) as being unpatentable over Knudson in view of Marsh and further in view of U.S. Patent No. 6,233,389 to Barton et al. ("Barton"). For the reasons set forth above regarding claim 1, claim 7 is also patentable. Claim 7 is further patentable over the cited references for the reasons set forth below.

To begin with, there is no motivation to combine Knudson and Marsh with Barton. Barton discloses a system allowing the viewer to instantly review previous scenes within a program and to store other programs while simultaneously watching another program. Knudson and Marsh disclose systems in which only one program can be viewed or recorded at a time, and this gives rise to the conflict/solution scheme taught by Knudson and Marsh. Barton, on the other hand, does not disclose a system that would give rise to the conflict scheme in Knudson and Marsh, because Barton teaches that multiple programs can be simultaneously viewed and recorded and thus no conflict between these functions occurs. Furthermore, Knudson and Marsh present conflict/solution schemes involving a VCR. Barton does not disclose having a VCR, because Barton's system is a time-warping system that replaces the VCR. Therefore, there is no motivation to combine Barton with Knudson and Marsh.

Even if there was motivation to combine Knudson and Marsh with Barton, which

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Applicant submits there is not, claim 7 is patentable over Barton in view of Knudson and Marsh.

To begin with, the Office action relies on an inaccurate interpretation of Figs. 4 and 5 of Knudson for the claim 7 rejection. The Office action refers to Fig. 4 showing a conflict between two channels, and that element 82 has less priority over element 84, impliedly because 82 is the lesser number. The Office action also ties in Fig. 4 with Fig. 5 by stating "element 82 has less priority...allowing the second program to record the entire program as seen in Fig. 5." Fig. 4, however, is actually labeled "Prior Art" and does not disclose an embodiment of the invention. Nor does Fig. 4 disclose an embodiment of the invention in combination with Fig. 5 or a precursory step to Fig. 5. Second, elements 82 and 84 do not establish any kind of priority based on one number being higher than the other. The numbers simply distinguish between a buffer segment and a program (elements 78 and 84 are programs, elements 80 and 82 are buffer segments). (Knudson, Col. 7, Lines 41-58.)

Further, although Barton discloses multiple input sections that can be tuned to different types of input, Barton does not teach a user extended lead timeslot or a user extended trail timeslot having a first priority and a second timeslot including a core timeslot having a second priority, as recited in claim 1 upon which claim 7 depends, and none of the cited references provide for a user extended lead timeslot or a user extended trail timeslot having a first priority. In addition, none of the cited references teach a first timeslot including a user extended lead timeslot or a user extended trail timeslot having a first priority, and a second timeslot including a core timeslot having a second priority, and possibly resolving a conflict automatically using the first and second priorities by

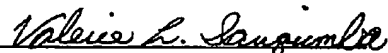
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choosing either the first or second timeslot, as recited in claim 1 upon which claim 7 depends. Furthermore, Barton does not teach determining if a conflict exists by determining if a first number of tuners available is less than a second number of timeslots, as recited in claim 7.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims now presented in this application define patentable subject matter over the cited prior art. Accordingly, reconsideration and allowance of the application are requested. If the Examiner feels that a telephone interview could expedite resolution of any remaining issues, the Examiner is encouraged to contact Applicant's undersigned representative at the phone number listed below.

Respectfully submitted,


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